

is anything short of robust in the face of a financial meltdown (illegitimacy begets inefficacy, which creates more illegitimacy).

¶118 The sixth chapter begins by illuminating the legitimizing effect of honest accountability. Interestingly, TARP's most vocal critics—Neil Barofsky, Elizabeth Warren, and others—did not bring the scathing reproof that some may have expected. Wallach next investigates two major points of contention: the “backdoor bailouts” and the actual cost of the crisis responses. Once again, Wallach does not hesitate to identify illogical or imbalanced bombast, which is perhaps the most refreshing aspect of his book.

¶119 They say you never step in the same river twice, and the Dodd-Frank Wall Street Reform and Consumer Protection Act aimed to ensure this for the American public. Rather than evaluate the law itself, Wallach focuses on two distinct impacts: limitation of power and prevention of “too big to fail.” In his analysis of the Orderly Liquidation Authority, meant to accomplish the latter objective, Wallach again summarizes the central dilemma, which I will paraphrase here: a rigid solution in line with the rule of law may inspire feelings of security during halcyon years, but it will be speedily sidestepped in times of crisis; on the other hand, a more flexible rule can appear vulnerable to caprice and consequently fail to summon anything but the appearance of illegitimacy.

¶120 *To the Edge: Legality, Legitimacy, and the Responses to the 2008 Financial Crisis* adds something new and valuable to the discussion of one of the most reverberating events in recent history. Wallach explores the evolution of his own thinking, and he suggests a number of approaches for maximizing legitimacy, including the enduring cultivation of public trust and the slightly Panglossian establishment of an emergency fund referred to as the “accountable slush fund.” For a reader with an appropriate level of interest, this book would make fine airplane reading. Its accessibility does not threaten its authoritativeness; for this reason, it is also recommended for corporate, law, and public libraries.

Witt, Stephen. *How Music Got Free: The End of an Industry, the Turn of the Century, and the Patient Zero of Piracy*. New York: Viking, 2015. 296p. \$27.95.

*Reviewed by Wilhelmina Randtke**

¶121 In recent decades, copyright law has become a bigger issue because of real-world events. *How Music Got Free: The End of an Industry, the Turn of the Century, and the Patient Zero of Piracy* is not about law, but instead is about recent history that impacts copyright law, specifically, the birth and proliferation of online music sharing starting in the 1990s. Stephen Witt is a hedge fund manager turned journalist with no formal training in law who left finance to research and write a history of file sharing. The writing is in the new journalism style, with a focus on personalities. The book follows the lives of three main characters from 1995 to the present: a German sound engineer who developed the mp3 format, the CEO of Universal Music Group (UMG), and a factory worker at a plant where music CDs

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were pressed. Through these characters the book gives a history of music file sharing and how technology reshaped the commercial music industry.

¶122 In contrast to the enthusiasm and excitement with which music and the key characters are treated, the tone of the book is ambivalent toward copyright law. Copyright law is accepted as a fact of life. There is little mulling about injustice, nor advocating for change, nor even descriptions of what the law is.

¶123 Witt's financial background is apparent in drawing out the story of the mp3 format. In 1995, the international standards body that determined best formats declared a different format superior for sound compression. Politics and business deals had steered the decade-long competition more so than technical perfection. The mp3 format had consistently scored highest in sound tests. Funding would be discontinued in the next fiscal year, and the mp3 research team spent the remaining year releasing software for mp3 players and compressors to encourage industry adoption before the project was to be disbanded. In 1995, it became technologically possible to share music files online. The mp3 was adopted first by file sharers, then by industry in response to demand for portable mp3 players. Witt follows engineer Karlheinz Brandenburg, who drew revenues off patents on licensed mp3 players and ultimately became wealthy and politically savvy.

¶124 By interviewing file sharers and through intense primary research, Witt explores the culture of file sharing in the 1990s and particularly "The Scene" culture of top-level warez groups (these groups were secretive, with selective membership criteria and specific technological requirements for ripping files—that is, copying files from CDs to the hard drive of a computer). He located a secret database of text files accompanying Scene releases since 1982. By tracing the history of the file-sharing community, Witt discovered that, while a copy of a song might be downloaded from numerous places, the original file tended to have the same source in one of only a handful of top-level Scene groups.

¶125 In particular, Witt portrays Dell Glover as a driving force in the music industry, the "patient zero" of piracy. In 1995, Glover was a computer hobbyist with a high school education doing manual labor at a CD pressing plant, which was acquired by UMG, in rural North Carolina. He participated in file sharing and began a side business selling bootlegged DVDs of movies from the trunk of his car. Because of his job at the plant, he was contacted by a file-sharing group that specialized in sharing prerelease music. The group tracked release dates and schedules, and when CDs would likely be pressed. Glover got requests for specific prerelease CDs, smuggled the CDs home, then ripped mp3s for the group. In some cases, these prerelease leaks resulted in UMG changing release dates or even canceling an album release.

¶126 The story of record company CEO Doug Morris is a rehash of the better known history of file sharing. Morris managed UMG from 1995 until 2011, during a time when it was arguably the most successful music publisher in the United States. Through Morris's story, Witt glosses on the history of Napster, the music industry's lawsuits against file sharers, and the financial impact of file sharing on the industry. This material can be researched elsewhere. In this book it gives context to the technological and cultural history of file sharing.

¶127 Witt draws on extensive primary research. He read court documents in file-sharing prosecutions, researched news articles, and then went further. He interviewed the sound engineers who developed the mp3. He interviewed Morris and shadowed him in his current job at Sony as he previewed a new artist. He interviewed file sharers. He interviewed former workers at the North Carolina CD plant. He interviewed Glover, who had been prosecuted for file sharing and so could talk. Because of the nature of the research, sources may have required anonymity. Citations are often sketchy and may refer to examinations of privately held files or to interviews with file sharers in general.

¶128 *How Music Got Free* is a good addition to an academic law library collection. The material here cannot be found elsewhere, and it is relevant to research regarding why copyright became more prominent in the 1990s, the historical forces that shaped the law, and how the law is applied. It is a fast-paced read, and law libraries with popular or leisure reading collections will benefit from having a copy on the shelves.